

REVIEW COMMITTEE

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RECEIVED MAY 11 1978

D.J. BERGMAN, CHAIRMAN

REVIEW COMMITTEE DECISION

DECISION

LETTER DECISION

PRE-REVIEW REFERRAL

Review Committee File No. 1430-77-17

San Joaquin Division Grievance No. 25-119-77-54

Subject of the Grievance

The grievant, a Meter Reader, Merced, requested a transfer to a gas Helper classification in the Gas Department and was advised by the Division that in order to receive consideration pursuant to Section 205.5 of the Physical Labor Agreement, it is necessary to have first passed the physical pre-employment test and then the ACT test. The grievant failed the pre-employment test and ACT test and was denied an opportunity to retake the ACT test inasmuch as he had failed the pre-employment test a second time. The issue in dispute is whether the physical pre-employment test is a requirement to transfer to the physical line of progression from the clerical bargaining unit or from one physical line of progression to another physical line of progression.

Discussion

The issue of transferring from one line of progression to another, whether it be from the clerical bargaining unit to the physical bargaining unit, or within the physical bargaining unit, has been the subject of prior Review Committee cases as well as subjects for general negotiations. The Review Committee, in Review Committee File Nos. 811, 877, 888 and 926, agreed to on June 26, 1970, and interpreted the transfer provisions of Title 205 of the Physical Labor Agreement and Title 18 of the Clerical Agreement. The Committee decided that:

"Employees seeking a transfer to a beginning classification in the line of progression in which the Arithmetic Computation Test has been negotiated as entry requirement to a job higher in that line of progression will, among other considerations provided in Section 205.5, be required to pass such test before their request for transfer will be eligible for consideration."

As a result of the Review Committee Decision, in the 1973-1974 general negotiations, Title 205 of the Physical Agreement and Title 18 of the Clerical Agreement were further amended to read:

"Notwithstanding the foregoing, Company may nevertheless reject the transfer of any such employee who does not possess the ability to perform the duties of such classification and who has not demonstrated the qualifications required to progress in the line of progression or classification which is vacant."

As a result of the 1976-1977 General Negotiations and settlement, the paragraph requiring employees to demonstrate the qualifications required to progress in the line of progression or classification to which they were transferring was deleted with the understanding that only those qualifications required of a new hire, namely, the appropriate pre-employment tests, would be required of an employee desiring to transfer to a beginning level job. This change does not affect the Operator-In-Training classification where the ACT test is still a requirement. Further, an employee is allowed only two opportunities to pass the appropriate agreed-to pre-employment tests as outlined in Exhibit VIII of the Physical Agreement.

Decision

In view of the foregoing, it is the decision of the Review Committee that the appropriate physical pre-employment test is a requirement to transfer to the physical line of progression, and in the grievant's case, failing on two occasions, he, therefore, is not eligible to transfer to the physical line of progression. As to the ACT requirement for transfer, it no longer is a valid requirement for transfer to a beginning level classification, excluding the Operator-In-Training classification, in the physical bargaining unit. This case is considered closed with the understanding that the parties will continue to discuss testing as it relates to transfer and promotion of bargaining unit employees.

FOR COMPANY:

F. C. Buchholz
J. A. Fairchild
D. J. Bergman

By *D. J. Bergman*

Date 5-9-78

FOR UNION:

G. W. Abrahamson
W. H. Burr
L. N. Foss

By *L. N. Foss*

Date 5-9-78